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*courage is contagious*

## Viewing cable 09BERN351, SWISS PRESIDENT MERZ APOLOGIZES TO LIBYA FOR \

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

### Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

### Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09BERN351**.

Reference ID	Created	Released	Classification	Origin
<a href="#">09BERN351</a>	<a href="#">2009-08-24 05:53</a>	<a href="#">2011-08-30 01:44</a>	<a href="#">SECRET//NOFORN</a>	<a href="#">Embassy Bern</a>

Appears in these articles:

[http://www.letemps.ch/swiss\\_papers](http://www.letemps.ch/swiss_papers)

VZCZCXRO9303

PP RUEHTRO

DE RUEHSW #0351/01 2360553

ZNY SSSSS ZZH

P 240553Z AUG 09

FM AMEMBASSY BERN

TO RUEHC/SECSTATE WASHDC PRIORITY 6017

INFO RUEHLO/AMEMBASSY LONDON 0511

RUEHTRO/AMEMBASSY TRIPOLI 0005

2009-08-24 05:53:00 09BERN351 Embassy Bern SECRET//NOFORN VZCZCXRO9303\

PP RUEHTRO\

DE RUEHSW #0351/01 2360553\

ZNY SSSSS ZZH\

P 240553Z AUG 09\

FM AMEMBASSY BERN\

TO RUEHC/SECSTATE WASHDC PRIORITY 6017\

INFO RUEHLO/AMEMBASSY LONDON 0511\

RUEHTRO/AMEMBASSY TRIPOLI 0005 S E C R E T SECTION 01 OF 02 BERN 000351 \

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NOFORN \

SIPDIS \

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DEPT FOR NEA/MAG AND EUR/CE (Y.SAINT-ANDRE) \

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E.O. 12958: DECL: 08/21/2024 \

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SUBJECT: SWISS PRESIDENT MERZ APOLOGIZES TO LIBYA FOR \  
HANNIBAL GADDAFI ARREST \

Classified By: POLE Counselor Richard A. Rorvig; reasons 1.4(b) and (d) \

1. (S/NF) In a bid to win the freedom of two Swiss citizens \ who have not been permitted to leave Libya for over a year, \ Swiss President Hans-Rudolf Merz traveled to Tripoli August \ 20 and met with Libyan Prime Minister ElBaghdadi Mahmudi. \ The unannounced visit culminated with Merz making a public \ apology for what he termed the "inappropriate and \ unnecessary" arrest of Hannibal Gaddafi, son of Libyan leader \ Muammar Gaddafi, in Geneva in July 2008. Merz also signed an \ agreement with the Libyan PM seeking to "settle the dispute \ which resulted from the incident of the arrest." (Note: \ Hannibal Gaddafi and his wife were arrested by Geneva \ cantonal authorities at a hotel in Geneva on July 15, 2008 \ for allegedly severely beating two of their domestic \ employees who were traveling with them. Swiss officials \ consistently have confided to post that they have not doubt \ that Hannibal Gaddafi and his wife did in fact brutally \ assault the two domestic employees. Hannibal Gaddafi and his \ wife subsequently were released from Swiss jail two days \ later, on bail of CHF 500,000 (USD 470,000). Libyan leader \ Muammar Gaddafi responded angrily to the arrest by refusing \ to allow two Swiss businessmen to depart Libya, halting \ Libyan oil exports to Switzerland, and withdrawing \ approximately CHF 5 billion (USD 4.7 billion) from Swiss \ banks. Swiss authorities dropped the charges against \ Hannibal Gaddafi and his wife in September 2008, but the \ crisis in Swiss-Libyan relations has continued. End Note) \

2. (SBU) Merz's public apology was the first condition of the \ agreement. In addition, per the agreement, Switzerland and \ Libya will establish an "arbitral tribunal" composed of three \ members: two of the members will be from third countries, \ one appointed by Libya, and one appointed by Switzerland; the \ third tribunal member is to be selected by the two appointed \ members or by the president of the International Court of \ Justice. The arbitral tribunal is to meet in London and \ examine the treatment of Hannibal Gaddafi by the Geneva \ police and other Swiss authorities. The agreement obliges \ Switzerland to pursue criminal prosecution against Swiss law \ enforcement officials, if the tribunal concludes there were \ violations of law. Switzerland also is supposed to pay \ damages to the aggrieved party (i.e., Hannibal Gaddafi) in \ cases where the tribunal determines civil or criminal \ responsibility. Though not specifically mentioned in the \ agreement, Merz has announced publicly that the GoL has \ promised to permit the two Swiss nationals under house arrest \ in Libya to leave Libya by September 1. \

3. (C) The agreement -- and above all public apology by Merz \ -- has been subject to wide press and political commentary. \ Merz's political rivals have accused him of humiliating \ Switzerland and making a mockery of Swiss rule of law for \ agreeing to the Libyan demands. Geneva officials have \ defended their actions in the arrest and complained loudly \ that they were not consulted ahead of time about the \ agreement that Merz signed. The Swiss press, while echoing \ some of these concerns, generally has assessed the apology \ and the agreement as a "necessary evil" to obtain the freedom \ of the two Swiss nationals. In an August 21 press conference \ in Switzerland, Merz defended his actions, saying it was \ necessary to obtain the freedom of the two Swiss nationals \ and to ensure future Swiss-Libyan economic relations. He \ underlined that the decision to go to Tripoli was his alone, \ and not the result of a Federal Council decision, but that he \ had kept the Federal Council informed and that the trip and \ the agreement had the blessing of FM Calmy-Rey. In the press \ conference, Merz struggled to qualify his implicit criticism \ of Geneva law enforcement officials without walking back his \ apology, which apparently is central to meeting Libyan \ demands. At one point, when asked how he could judge the \ arrests to have been "inappropriate" before the arbitral \ tribunal has made its determinations, a frustrated Merz \ temporarily lost his patience and muttered, "I know, I did \

everything wrong yesterday." Without further comment, he \  
took the next reporter's question. \

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4. (S/NF) COMMENT: Merz has performed a precarious political \  
highwire act with his trip to Libya, apology, and signing of \  
the agreement. If the two Swiss nationals are, in fact, \  
permitted to return home, Merz may yet emerge relatively \  
unscathed from this episode. However, if Libya does not \  
uphold its end of the bargain and permit the two Swiss \  
nationals to depart, Merz likely will face the most serious \  
crisis of his political career. END COMMENT. \

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5.(U) Minimize considered. \

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